

[ORAL ARGUMENT NOT SCHEDULED]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NATIONAL TREASURY EMPLOYEES
UNION,

Plaintiff-Appellee

v.

DONALD J. TRUMP, *et al.*,

Defendants-Appellants.

Case No. 25-5157

PLAINTIFF-APPELLEE'S MOTION FOR 45-DAY STAY

Plaintiff-Appellee National Treasury Employees Union (NTEU) moves this Court for a 45-day stay of briefing. This appeal of the district court's preliminary injunction ruling will imminently become moot when the district court rules on cross-motions for summary judgment that have been fully briefed since July 17, 2025. It would therefore promote judicial economy to stay briefing. Counsel for the government has advised that they oppose this motion.

1. The government has appealed the district court's order granting NTEU's motion for a preliminary injunction. *See NTEU v.*

Trump, 780 F. Supp. 3d 237 (D.D.C. 2025), *stayed*, No. 25-5157, 2025 U.S. App. LEXIS 11952 (D.C. Cir. May 16, 2025) (2-1 decision).

2. NTEU's opposition brief is currently due October 9, 2025, and the government's reply is due October 30, 2025. *See* Clerk's Order (D.C. Cir. July 31, 2025). This Court would be unlikely to schedule oral argument before December 15, 2025. *See* D.C. Handbook of Practice and Internal Procedures, Section X.D (noting a minimum of 45 days typically falls between the conclusion of briefing and oral argument). The Court would thus be unlikely to issue a decision until sometime next year.

3. Well before this Court will have decided this appeal, it will become moot. The parties filed cross-motions for summary judgment before the district court. *NTEU v. Trump*, No. 1:25-cv-935 (D.D.C.) (Dkt. 43-45, 47-49). Those cross motions were fully briefed as of July 17, 2025. When the district rules on those motions, its order granting NTEU's motion for a preliminary injunction will become moot. Any further briefing on (or Court consideration of) the government's appeal is therefore an unneeded use of time and resources.

4. Moreover, an appeal of the district court's ruling on the cross-motions for summary judgment will present a better vehicle for resolving the exceptionally important merits issues raised in this case. It will allow the Court to review definitive rulings based on a complete record. If the Court were to rule on the pending appeal of the preliminary injunction, it could conceivably rule just on the equities, as the motions panel did when it stayed the preliminary injunction. And the Court would then have to rule again on the inevitable appeal of the summary judgment ruling.

5. A 45-day stay would not prejudice the government because the ruling over which it seeks review, the district court's preliminary injunction, has been stayed.

For these reasons, NTEU respectfully requests a 45-day stay of briefing in this matter.

Respectfully submitted,

JULIE M. WILSON
General Counsel

PARAS N. SHAH
Deputy General Counsel

/s/ Allison C. Giles
ALLISON C. GILES
Assistant Counsel

JESSICA HORNE
Assistant Counsel
NATIONAL TREASURY EMPLOYEES
UNION
800 K Street N.W., Suite 1000
Washington, D.C. 20001
(202) 572-5500
julie.wilson@nteu.org
paras.shah@nteu.org
allie.giles@nteu.org
jessica.horne@nteu.org

Sept. 10, 2025

Attorneys for Plaintiff-Appellee NTEU

CERTIFICATE OF COMPLIANCE

I hereby certify this motion complies with the requirements of Federal Rule of Appellate Procedure 27(d)(1)(E) because it has been prepared in 14-point Century, a proportionally spaced font, and that it complies with the typeface and type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 413 words, excluding those words that Federal Rule of Appellate Procedure 32(f) exempts.

/s/ Allison C. Giles
ALLISON C. GILES
Assistant Counsel

ADDENDUM

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Circuit Rule 26.1, the undersign counsel hereby
certifies as follows:

1. The Plaintiff-Appellee National Treasury Employees Union (NTEU) is an unincorporated, non-profit professional organization serving as the exclusive bargaining representative of approximately 160,000 employees of the federal government pursuant to 5 U.S.C. §§ 7101-7135.
2. NTEU has no parent companies.
3. No publicly held company has any ownership interest in NTEU.

Respectfully submitted,

/s/ Allison C. Giles

ALLISON C. GILES

Assistant Counsel

NATIONAL TREASURY EMPLOYEES
UNION

800 K Street N.W., Suite 1000

Washington, D.C. 20001

(202) 572-5500

allie.giles@nteu.org

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Attorneys for Plaintiff-Appellee NTEU